

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Real-E Studios, LLC
Appl. No.: 10/828,517
Filed: April 19, 2004
Docket No.: 2057
Conf. No.: 4284
Title: **METHOD, SYSTEM, AND COMPUTER-READABLE MEDIUM
FOR CREATING ELECTRONIC LITERARY WORKS,
INCLUDING WORKS PRODUCED THEREFROM**

Art Unit: 2176
Examiner: James J. Debrow

Action: **2ND DECLARATION OF EDWARD SEEMAN UNDER
37 C.F.R. §1.131**
Date: May 26, 2009

TO: Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Ed Seeman, a named inventor in the above-identified application, declares as follows:

1. My name is Ed Seeman and I reside in Arvada, Colorado. I am making this 2nd declaration as a supplement to my previous declaration and in further support of the above-identified application, for which I am one of the inventors.
2. My previous declaration established that the subject matter claimed in the above-identified application was conceived at least as early as November 18, 2002, as evidenced by a software development agreement and the content of its accompanying project description.

3. During the fall of 2002 until the provisional application was filed on April 17, 2003, I and the other inventors were regularly working towards developing a prototype of our invention. My work, in particular, was regular and continuous during this period.

4. In September 2002, for example, a grant was established with Oklahoma State University to develop a beta product, referred to as "RealeWriter". In November 2002, I met with one of my patent attorneys, Timothy J. Martin, regarding the preparation of a patent application directed to the RealeWriter concept. Mr. Martin subsequently tasked this assignment to his associate, Michael R. Henson, who was responsible for drafting the application. Also, as set forth in my previous declaration, Real-E Studios entered into a "General Contract for Software Development" on November 18, 2002 with an independent contractor. This independent contractor was developing the software, which came to be known as "RealeBook Reader/Writer" during the period in question, i.e., from late November 2002 until the provisional application was filed in mid-April 2003.

5. Attached hereto respectively as Exhibits A and B are true and correct copies of the March 2003 and April 2003 billing invoices to Real-E Studios, LLC from our patent attorneys, Timothy J. Martin, P.C. From the March 2003 invoice (Exh. A) it may be seen that the responsible attorney, Mr. Henson, was working on our patent application and interfacing with me and at least one other inventor from December 30, 2002 through March 11, 2003. I recall having various conversations with Mr. Henson regarding the patent application during this interval. Exhibits A and B indicate that I and

others received the draft provisional application for our review sometime in mid-late March 2003.

6. Since there were multiple inventors on the application, and everyone's input was important, it took some weeks for us to coordinate our review of the draft application and convey our comments/revisions to Mr. Henson. The inventors were scattered throughout the country at the time. Mark Weiser was in Stillwater, OK. Mark Condon was in Louisville, KY. Mike McGuffee was in Fort Collins, CO. I was in Arvada, CO, and Brad Hutchings was in Lake Forest, CA. During this period we exchanged e-mails, but also made a point to conference on Saturday mornings since it was difficult to coordinate our schedules and application review. I recall having various communications with one or more of my co-inventors during the period between when Mr. Henson sent a draft application out for review and when the provisional application was filed. It is my recollection that we were reasonably devoted at the time to reviewing the draft application, sharing our comments and feedback with each other, and conveying this to Mr. Henson in a timely manner under the circumstances.

7. I was predominantly the liason between the inventors and Mr. Henson during this period. I see from the April invoice (Exh. B) that I had various conversations with Mr. Henson during the early part of April 2003 just before the application was filed. This is consistent with my recollection that I was periodically in contact with Mr. Henson to assist him in revising the draft application for filing.

8. Having been intimately involved with the development of this project since its inception in 2002, I believe I am competent to state that I and others were diligent from just prior to February 7, 2003 until the provisional application was filed on

April 17, 2003 in our efforts to reduce this invention to practice, either by developing a data software product or working with our attorney to file the provisional application.

The declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under section 1001 of title 18 of the United States code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

Dated May 26, 2009



Edward Seeman

Exhibit A

Timothy J. Martin, P.C.
9250 W. 5th Avenue, Suite 200
Lakewood, CO 80226

Mr. Edward Seeman
Real-E-Studios
9911 W. 86th Place
Arvada, CO 80005-1214

March 17, 2003

Invoice # 13589

	<u>Amount</u>
Previous balance	\$67.50
Professional Services	

2075.02.01.1

	<u>Hours</u>	
12/30/02 MRH Review Materials from Client	0.25	56.25
1/13/03 MRH Provisional Patent Application	4.00	900.00
1/14/03 MRH Patent Application	3.00	675.00
1/23/03 MRH Telephone Call with Client	0.20	45.00
MRH Patent Application	0.75	168.75
2/4/03 MRH Patent Application	5.00	1,125.00
2/6/03 MRH Patent Application	0.30	67.50
2/10/03 MRH Patent Application	3.20	720.00
2/11/03 MRH Telephone Call with Client	0.20	NO CHARGE
3/3/03 MRH Telephone Call with Mike McGuffee	0.25	56.25
3/4/03 MRH Patent Application	2.20	495.00
3/6/03 MRH Revisions to Application; New Figures	3.00	675.00
3/11/03 MRH Revisions to Application	0.50	112.50

	<u>Hours</u>	<u>Amount</u>
SUBTOTAL:	[22.85	5,096.25]
For professional services rendered	22.85	\$5,096.25
1/17/03 Payment - thank you (chk#1015)		(\$67.50)
2/10/03 Payment from account		(\$1,800.00)
3/14/03 Less Courtesy Discount		(\$850.00)
Total payments and adjustments		(\$2,717.50)
Balance due		<u>\$2,446.25</u>

1. All accounts are DUE AND PAYABLE UPON RECEIPT;
2. All accounts with a balance due remaining unpaid 45 days after billing date are subject to collection proceedings;
3. Carrying charges at the rate of 1-1/2% per month will accrue on all unpaid balances 45 days after billing date; and
4. All charges and expenses relating to patent and trademark applications must be paid prior to filing in the Patent and Trademark Office.

Previous balance of Client funds	\$1,800.00
Payments made from Client funds	(\$1,800.00)
Payments made into Client funds	\$0.00
New balance of Client funds	<u>\$0.00</u>

Exhibit B

Timothy J. Martin, P.C.
9250 W. 5th Avenue, Suite 200
Lakewood, CO 80226

Mr. Edward Seeman
Real-E-Studios
9911 W. 86th Place
Arvada, CO 80005-1214

April 22, 2003
Invoice # 13684

		<u>Amount</u>
Previous balance		\$2,446.25
Professional Services		
	<u>Hours</u>	
<u>2075.01.01.1</u>		
4/1/03 MRH Telephone Call with Ed	0.20	45.00
4/11/03 MRH Telephone Call with Ed	0.20	NO CHARGE
SUBTOTAL:	[0.40	45.00]
<u>2075.02.01.1</u>		
4/2/03 MRH Review Client's Revisions	0.25	56.25
4/17/03 MRH Telephone Call with Mark Weiser	0.30	67.50
SUBTOTAL:	[0.55	123.75]
For professional services rendered	0.95	\$168.75

Mr. Edward Seeman

Page 2

Disbursements:

	<u>Amount</u>
<u>2075.02.01.1</u>	
4/17/03 Filing Fee	80.00
Express Mail	13.65
SUBTOTAL:	[93.65]
Total costs	<u>\$93.65</u>
Total current charges:	\$262.40
4/22/03 Less Courtesy Discount	<u>(\$1,000.00)</u>
Total payments and adjustments	<u>(\$1,000.00)</u>
Balance due	<u>\$1,708.65</u>

Paid # 1022

1. All accounts are DUE AND PAYABLE UPON RECEIPT;
2. All accounts with a balance due remaining unpaid 45 days after billing date are subject to collection proceedings;
3. Carrying charges at the rate of 1-1/2% per month will accrue on all unpaid balances 45 days after billing date; and
4. All charges and expenses relating to patent and trademark applications must be paid prior to filing in the Patent and Trademark Office.